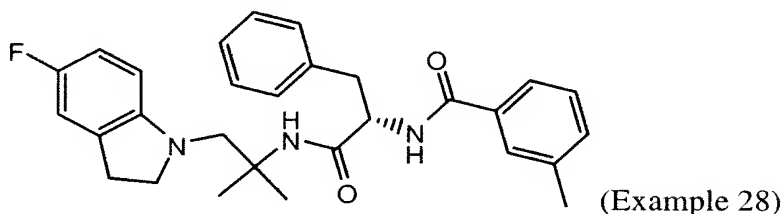


REMARKS

Upon entry of the present amendments, claims 1, 4, 7-9, 16-19, 27-28, and 38-41 will be pending. New dependent pharmaceutical composition 39 has been added. Moreover, new independent claims 40-41 covering N-{(1S)-[2-(5-Fluoro-2,3-dihydro-indol-1-yl)-1,1-dimethyl-ethylcarbamoyl]-2-phenyl-ethyl}-3-methyl-benzamide (see below, Example 28) have been added.



Example 28 falls within the formula in claims 1 and 9, except R⁶ is methyl rather than H. Applicant submits that new claims 40-41 can be examined without undue burden, and respectfully requests that these claims be examined with the elected invention.

Claim Objections

Claims 7-9, 16-19, 28 and 38 are objected to as being dependent upon a rejected base claim. Applicant respectfully submits that claim 1 as amended is allowable, rendering these objections moot.

Claim Rejections under 35 U.S.C. § 112

Claims 1, 4 and 27 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. As amended, claim 1 covers the formula in claims 9 and 18, with substituents as defined in the Office Action dated August 2, 2007, except S(=O)R²⁸ which appears to have been inadvertently omitted in the Examiner's definition for R²⁹ has been added. In addition, R²³ is defined as originally filed. These definitions are supported in claim 1 as originally filed, and do not contain new matter.

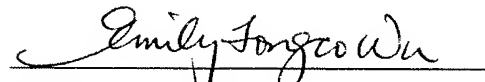
Based on the above, the claims have been amended to obviate the objections. Applicant therefore requests that the claim objections be withdrawn and the pending claims be passed to issue.

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P A T E N T
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If a telephone conference would expedite prosecution of this application, please telephone the undersigned attorney at (858) 812-1539. In the event that the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 50-1885** referencing docket No. P1095US10.

Respectfully submitted,


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